House Bill 829

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By: Representatives Benfield of the 85th, Casas of the 103rd, and Kaiser of the 59th

A BILL TO BE ENTITLED AN ACT

- 1 To amend Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia
- 2 Annotated, relating to educational programs under the "Quality Basic Education Act," so as
- 3 to provide for early admission to kindergarten or first grade for advanced gifted children; to
- 4 provide for legislative findings; to provide for state criteria and procedures; to provide for
- 5 the establishment of criteria and procedures by local school systems; to provide for related
- 6 matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

- 9 The General Assembly hereby finds and declares that provisions to identify and serve
- 10 advanced gifted children who are four years of age or five years of age for whom early
- entrance to kindergarten or first grade, respectively, is deemed appropriate by a local school
- 12 system are important elements of meeting the needs of gifted learners and in line with current
- 13 research and best practices in gifted education.

SECTION 2.

- 15 Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
- 16 relating to educational programs under the "Quality Basic Education Act," is amended in
- 17 Code Section 20-2-150, relating to eligibility for enrollment, by revising subsection (a) and
- adding a new subsection to read as follows:
- 19 "(a) Except as otherwise provided by subsection subsections (b) or (b.1) of this Code
- section, all children and youth who have attained the age of five years by September 1 shall
- be eligible for enrollment in the appropriate general education programs authorized in this
- part unless they attain the age of 20 by September 1 or they have received high school
- diplomas or the equivalent. This shall specifically include students who have reenrolled
- shall also be eligible for enrollment in appropriate education programs through age 21 or

after dropping out and who are married, parents, or pregnant. Special education students

26 until they receive high school or special education diplomas or the equivalent; provided, 27 however, that they were enrolled during the preceding school year and had an approved Individualized Education Program (IEP) which indicated that a successive year of 28 29 enrollment was needed. Other students who have not yet attained the age of 21 by 30 September 1 or received high school diplomas or the equivalent shall be eligible for enrollment in appropriate education programs, provided they have not dropped out of 31 32 school for one quarter or more. Each local unit of administration shall have the authority 33 to assign students who are married, parents, or pregnant or who have reenrolled after 34 dropping out <u>for</u> one quarter or more to programs of instruction within its regular daytime 35 educational program, provided that a local unit of administration may develop and 36 implement special programs of instruction limited to such students within the regular 37 daytime educational program or, at the option of the student, in an alternative program 38 beyond the regular daytime program; provided, further, that such programs of instruction 39 are designed to enable such students to earn course credit toward receiving high school 40 diplomas. These programs may include instruction in prenatal care and child care. Each 41 local unit of administration shall have the authority to provide alternative programs beyond 42 the regular daytime educational program. Unless otherwise provided by law, the State 43 Board of Education shall have the authority to determine the eligibility of students for 44 enrollment. It is declared to be the policy of this state that general and occupational 45 education be integrated into a comprehensive educational program which will contribute 46 to the total development of the individual." 47 "(b.1)(1) A child who is identified as an advanced gifted child shall be eligible for 48 enrollment in the appropriate general or special education programs authorized in this part 49 if such child is: 50 (A) Four years of age, and early entrance to kindergarten is deemed appropriate for 51 such child by the local school system; or 52 (B) Five years of age, and early entrance to first grade is deemed appropriate for such 53 child by the local school system. 54 (2)(A) A child shall be considered an advanced gifted child as defined by the State Board of Education based on a qualifying composite score on a test approved by the 55 56 State Board of Education, which may include the Iowa Acceleration Scale, which shall be administered by a qualified examiner, as defined by the State Board of Education. 57 No later than July 1, 2010, the State Board of Education shall establish criteria and a 58

entrance to kindergarten or first grade for eligible advanced gifted students.

process that local school systems shall use to make determinations regarding early

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61 _	(B) Local school systems may petition the State Board of Education for the use of an
62	alternative assessment or assessments of eligibility for early entrance, provided that the
63	alternative assessment shall include consideration of a child's:
64 _	(i) Aptitude;
65 _	(ii) Achievement;
66 _	(iii) Performance;
67 _	(iv) Academic readiness for advanced placement;
68 _	(v) Observable social behavior; and
69 _	(vi) Motivation to learn.
70	(3) The process established pursuant to paragraph (2) of this subsection shall include:
71	(A) A timeline according to which a child's parent or guardian may apply for early
72	entrance to kindergarten or first grade for such child;
73	(B) A description of local school system personnel who shall be involved in the
74	process of identifying advanced gifted children for whom early entrance to kindergarten
75	or first grade is appropriate;
76	(C) A description of how each child for whom the parent or guardian is seeking early
77	entrance to kindergarten or first grade shall be evaluated;
78	(D) A description of the entire body of evidence that shall be used to evaluate each
79	child for whom the child's parent or guardian is seeking early entrance to kindergarten
80	for first grade;
81	(E) A description of how decisions concerning early entrance to kindergarten or first
82	grade shall be made collaboratively by local school system personnel and parents or
83	guardians;
84	(F) A description of how local school systems shall monitor the performance of a child
85	who has received early entrance to kindergarten or first grade; and
86	(G) A description of the process by which parents or guardians may appeal a decision
87	and a timeline within which an appeal will be considered.
88	(4)(A) In adopting and implementing criteria and a process to identify and serve
89	advanced gifted children, each local board of education may include provisions to
90	identify and serve advanced gifted children who may be eligible for early entrance into
91	kindergarten or first grade pursuant to this subsection.
92	(B) Local school systems shall make available upon request by any person the criteria
93	and process for early entrance established pursuant to subparagraph (A) of this
94	paragraph, including time frames, deadlines, and any specific assessments and threshold
95	scores used in identifying and making final determinations.
96	(C) Local school systems shall not charge a fee for any assessments or other
97	procedures performed by the local school system for the purpose of identifying

98 <u>advanced gifted children for whom early entrance to kindergarten or first grade may be</u>
 99 <u>appropriate."</u>

SECTION 3.

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Said part is further amended in Code Section 20-2-151, relating to general and career education programs, by revising paragraph (1) of subsection (b) as follows:

- "(1)(A) All local school systems shall offer a full-day kindergarten program. For purposes of this subsection, the term 'full-day basis kindergarten program' means a student is provided classroom instruction for a minimum of four and one-half hours daily for a 180 day school year.
- (B) It is the policy of this state that the purposes of the kindergarten program shall be to provide all children with an equal opportunity to become prepared for a successful first grade experience and to acquire the foundation for academic progress throughout the students' educational careers. To be eligible for enrollment in a state supported kindergarten program, a child must attain the age of five by September 1, except as otherwise provided by subsection subsections (b) or (b.1) of Code Section 20-2-150;"

SECTION 4.

114 All laws and parts of laws in conflict with this Act are repealed.